



Flathead County Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210

PETITION FOR ZONING AMENDMENT

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ _____

APPLICANT/OWNER:

1. Name: Louise Messenger & Rebekah Spivey Phone: 406-837-6692/837-6079
2. Mail Address: 3108 Parkwood Lane
3. City/State/Zip: Bigfork, MT 59911
4. Interest in property: Primary Owner

Check which applies:



Map Amendment



Text Amendment:

TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: Rick Breckenridge Phone: 752.3539
Mailing Address: P.O. Box 181
City, State, Zip: Dayton, MT 59914
Email: rbreck77@yahoo.com

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:

- A. What is the proposed zoning text/map amendment?

SAG 5 to R-1

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: 1430 Bigfork State Rd.
- B. Legal Description: Parcel 1, COS 18954 Tract# 7A / Parcel 2 COS 18954 Tract# 7AD
(Lot/Block of Subdivision or Tract #)
- 24 - 27N - 20W
Section Township Range (Attach sheet for metes and bounds)
- C. Total acreage: ~~5.06~~ 10.00 ALWS
- D. Zoning District: Bigfork
- E. The present zoning of the above property is: SAG 5
- F. The proposed zoning of the above property is: R-1

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Zoning Map Amendment for Bigfork Zoning District

Louise Messenger and Rebekah Savelle

Montana Mapping Associates, Inc.

General Discussion

This application for a Zoning Map Amendment is for change in zoning designation from SAG 5 to R-1. The applicant is requesting a zone change to accommodate her estate planning and have a family member build nearby on the same tract of land. She has contacted the adjoining neighbor, Rebekah Savelle, who has agreed to become a part of this application.

Ms. Messenger bought the property from Ms. Savelle's mother who had discussed this very possible with her daughter. Instead, Rebekah built on another 5 acres next door.

This process has been discussed for years with Ms. Messenger's predecessor's in interest. Now is a good time to make the application.

Criteria by which zoning amendments are reviewed

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?

The Bigfork land Use Advisory Committee and the Bigfork Steering Committee have put together goals and policies that look to guide population growth yet attract and maintain economic diversity.

G.1 Promote community involvement in decisions related to economic growth opportunity, commercial and residential development.

This application will be reviewed by the BLUAC. This will give the community an opportunity to have input into the proposal.

G.2 support growth and development in the BPA in a way that protects the character of the area and its natural resources.

Located on the property is a building area that would not disturb any of the trees and would have an extension of the existing drive way already constructed. No clearing or alteration of the existing landscape would be necessary for this residential development.

G.3. Infrastructure must be sufficiently developed to support population growth and economic development.

Both of these properties access off Bigfork Stage Road. According to the Road and Bridge Department, this road is identified as a minor collector road. According to traffic counts conducted by Flathead County since 1998, average daily traffic has fluctuated

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from 133 VT/D in 1998; 274 in 2007; 274 in 2008; 222 in 2009. This road has a design capacity of 2,000 VT/D before any alterations will be scheduled by the Road Department. This proposal could add 100 VT/D using the standard projection of 10 VT/D used by the planning office.

G.4 Provide for the aging population in the BPA

Policy P.4.1 asks to encourage the establishment of senior citizen facilities. This type of application is an alternative to assisted care. There is a demographic that needs not the clustering of the population in a corporate managed aging facility but rather having the care and attention of an immediate family member living in close proximity, even on the same property, to insure not only the needs but also the security that allows our families to live with peace of mind. More of this will be addressed in the Public Safety portion and the crime statistics for this area.

G.7 Encourage the development of affordable housing and special needs housing opportunities in the BPA.

This application is to provide for an affordable housing opportunity. This type of application is exactly what Ms. Savelle did. She built a house next to her mother so she could take care of her in the latter years of her life in a comfortable and familiar setting. P.7.4 is exactly in support of this type of special needs housing.

G.8 Encourage housing that maintains traditional development patterns while protecting property values and natural resources.

As stated in G.7 above, building next door to an aging parent is a tradition in this area. In the 1990's, complying with the existing SAG 5 zoning was an economic possibility. The rising land values in the first decade has made that tradition an economic hardship. This proposal has no flood plain or wetlands. It does have some natural drainages that will not be altered to accommodate future development. According to Map 2, page 33 of the Growth Policy, ground water is not an issue in this area.

G.17 Accommodate increased growth through development that harmonizes with and enhances the natural environment, and protects the wildlife habitat.

P.17.1 states that development should be located to maximize the advantage taken of existing infrastructure....such as roads. The location of this Zoning Map Amendment is off Bigfork Stage Road. The road has a carrying capacity that this proposal will not adversely affect.

This proposal also supports P.17.3, storm drainage plans. Since all tracts of land less than 20 acres must be reviewed by DEQ, a storm drain plan is part of that process.

P.17.7 is also supported by this proposal. Although there is a geographic barrier from this proposal to the Bigfork Sewer and Water, this alternative will have to be reviewed by

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G.19. Encourage development to follow an overall design consistent with the nature, quality, and density of surrounding development.

Adjacent to this property is Bear Hallow Subdivision. To the south and one property away is Peaceful Acres Subdivision. Both of these developments are R-2 zoning and are served by Bigfork Water and Sewer. Geographic obstacles prevent the expansion of this type of density to come further east until water and sewer services are available on Bigfork Stage Road. The property doesn't have much frontage along Bigfork Stage so street parking will not be a concern.

G.23 Preserve view sheds as well as stream and wildlife habitats while encouraging the use of appropriate timber management practices that respect timber harvesting opportunities, reduce fuel loading, and foster healthy forests.

This property has had a reduction in timber fuel in the past. That practice will be maintained as older trees die that the fuel "laddering" effects hasn't created a fire hazard in this area. Also, reducing the acreage requirements has historically created a "park out" attitude by landowners as it is easier to take care of 1 acre as opposed to 5 or 20 acres without purchasing heavy equipment to help manage the landscape.

G.24 Encourage development to use appropriate practices to preserve water quality, especially where affected by street runoff and septic systems, prevent erosion, control weeds, and promote fire safety in timbered areas.

P.24.1 states that there is a need to identify and protect all wetlands in the BPA. As there are none on this property, this does support this goal. There is no flood plain on this property so no adverse effects from this proposal will be to the detriment of this goal.

P.24.5 is supported because this area has very low groundwater. Historically, this area has never had to have any groundwater monitoring for seasonally perched aquifers or ground water moving through the area. Also, on developments less than 20 acres, all applications will be reviewed by DEQ and meet all 57 laws, rules and regulations to make sure that the development does not have any adverse effects on groundwater.

P. 24.7 is supported because smaller developments historically control noxious weeds better than larger tracts simply because of the equipment that is necessary to combat this problem. A 70 year old property owner can spray for noxious weeds with a hand held sprayer and 2 gallons of 2-4D on one acre rather than buying a tractor and sprayer that would be necessary for a larger tract of land. I have seen this through out the valley. Large land owners do not do as an efficient job in controlling weeds as do the small tract holders simply because of the equipment needed and the expense. This proposal supports this policy.

2. Is the proposed amendment designed to:

a. Secure safety from fire and other dangers?

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The Bigfork Fire Department and Bigfork volunteer Ambulance have 23 volunteer fireman and 3 fulltime employees that the current chief thinks is at an adequate level of service. On average, the department response to 1.3 calls per day. The calls for assistance are higher during the summer due to the influx of seasonal residents.

Fire hazards are pretty well mitigated in higher density population areas. If you look at the fire dangers and the spreading of fires one only has to look to the 2000 fire season and the effects of low density requirements in the North Fork Zoning District. When the fire jumped the river from Glacier Park, there were plenty of fuels available because of a lack of fire management practices on Federal, State and private lands. This created a health issue for all the people of Northwestern Montana. Also, fire districts have the equipment designed to fight and control residential type instances than wildlands which require both ground and water tankers and support for fire fighting personnel. Smaller acreages land owners tend to take fire fuel reductions more seriously.

This proposal is surrounded by high density development to the west and south. There is timber land across the Bigfork Stage and to the east. This proposal is in a transitional area from high density residential/agriculture to medium density residential. A type of development that fire fighters in volunteer departments are best trained for fighting.

b. Promote public health, safety and the general welfare?

All developments less than 20 acres are reviewed by DEQ for public health. There are 57 different laws, rules and regulations that one must address to in order that the public health isn't adversely affected. Both of these parcels have been reviewed by DEQ in the past and a certificate of compliance is on file with the Flathead County Clerk and Recorder's Office. The minor collector road that services this property is adequately maintained by the Flathead County Road and Bridge Department and is currently at about 10% capacity. So there is no public safety concern because of inadequate roads.

The public safety in this area relies mainly on the Flathead County Sheriff's office as there is no local police department. Crime statistics show an increase in crime of more than 58% during the summer due to the return of seasonal residents. Since this proposal is for year round residential, this will not have an increased affect on the public safety or general welfare of the residents in this area.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

The transportation requirements, water and sewerage have all been previously addressed in several growth policy support statements. The parks requirements have been addressed in the surrounding subdivisions and if this area were ever to go through subdivision review, if more parks were to be needed, that would be mitigated at that time. Currently, Flathead County is 83% federal or state land with the Bigfork area adjoining National Forest lands that have recreational opportunities in all four seasons.

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The Bigfork school system has had a decrease in enrollments as jobs have been erased in the Flathead Valley. The student projection through the year 2030 show a steady decline in enrollment in K-12 as well. In a recent response, 10% of the children in the Bigfork School district are homeschooled. This trend will likely carry over into this proposal as well. The current trend, of which this proposal follows, is that the housing should not alter the Bigfork student enrollment.

3. Does the proposed amendment consider:

a. The reasonable provision of adequate light and air?

Yes. The reason for this submittal is because there is a building location on the Messenger tract that is open and has natural light and is open. This is towards the back of the property that is not seen from the road and so residential lighting will not adversely affect the adjoining properties.

b. The effect on motorized and non-motorized transportation systems?

This proposal would have a cumulative projection of 100 VT/D on Bigfork Stage. The average daily travel in a 2009 traffic study is 233. As a minor collector, this road is not even at 10% capacity and this proposal could have, at total build out, have an added traffic count of 100 more VT/D, well within the design of the road. There is no non-motorized routes along Bigfork Stage at this time and so there is no effect on that system.

c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?

This proposal is a mile and a half from Bigfork. This proposal is lower density than the surrounding subdivisions but is more dense than the parcels to the north which are currently utilized as agriculture lands. This is a transitional area from agriculture as these two parcels do not have any agricultural resources to speak of. They have historically and currently, used as residential because of the terrain. It is the best use of the land.

d. The character of the district and its peculiar suitability for particular uses?

The Bigfork Area is a mixture of high density, seasonal residents that enjoy the recreational opportunities, agricultural providers and year round residents. This proposal takes nothing out of the agricultural provider base and does support a year-round resident as both these properties have exactly that. There will be no change in the character of the district.

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?

The terrain of the land in this area has not been well suited for agriculture, which the current zoning has encouraged. The land is rolling and rocky with forest which discourages agricultural pursuits. It does however, lend itself to privacy and higher

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density residential because smaller tracts can take advantage of the terrain and situate housing so that there is natural privacy barriers between them. Bear Hollow is a good example. This area is of like terrain and the land use proposal is in harmony with that type of use. The only difference is that the water and sewer facilities are not as readily available because of the natural rock escarpment between the two properties.

4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

Bigfork is more of a high density, commercial mix because of the services available. This proposal is more of a transitional area outside the growth of Bigfork. The views of the lake and Swan River make zoning controls a little more rigorous than this proposal simply because of the proximity of human interaction with the natural environment. But it is compatible with the growth projections of the needs of Bigfork. Bigfork is a service provider economy and service providers need a local labor force to provide service that one has come to expect in the Bigfork area. This amendment will provide some relief to those requirements of a healthy, vibrant community.

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